

IN RE PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE  
1/3 Manor Road, 1462'E of 1/3 of Manor Rd. and Manor View Road  
4600 Breidenbaugh Lane  
11th Election District  
6th Councilmanic District  
John S. Anderson  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE # 91-381-XA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests, pursuant to a Petition for Special Exception, permission to use the herein described property for farm machinery sales, storage, and service as an agricultural support use as authorized by Section 1A01.2.C.24.a of the Baltimore County Zoning Regulations (B C Z R ); and, pursuant to a Petition for Zoning Variance, zoning variances from Sections 102.2 and 1A01.3.B.3 to permit distances between existing or proposed principal structures of 10 ft. in lieu of the required 70 ft.; Section 1A01.3.B.3 to permit setback of existing or proposed principal structures of 0 ft., 24 ft. and 25 ft. respectively, from the proposed special exception boundary line in lieu of the required 35 ft.; Section 409.6 A 2 to permit retention of present previous surface under vehicle parking and storage areas in lieu of the required durable and dustless surface, Section 409.8.A.6 to eliminate the requirement for permanent striping and to permit parking spaces to be delineated by anchored wheel stops, as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner, John S. Anderson, appeared, testified and was represented by George W. White, Esquire. Also appearing on behalf of the Petition were Douglas Anderson, Joseph Esposito, II and George Gavrelis, Land Planner, Daft, McCune and Walker. Appearing as Protestants were John Rehner, David Octon and Samuel Houston.

The Petitioner is the owner of a large farm for pasturing horses and raising Christmas trees located off of Manor Road in the northeastern section of Baltimore County along a private lane known as Breidenbaugh Lane. The entire property is zoned R.C.2 and is bordered on the northeast and south by other active farming properties also zoned R.C.2. The Petitioner's farm has several non-farming properties developed with single family dwelling houses located in general proximity to the farm only a few of which are immediate neighbors. The farm is known as the "Manor Hill Farm" and is an active working farm which is proposing to create a 1.186 acre outdoor sales, storage and demonstration area for farm machinery and equipment as provided by special exception within the R.C.2 zone in Section 1A01.2.C.24.a.

The Baltimore County Zoning Regulations provide for special exception uses within the R.C.2 zone which is specifically an agricultural protection zone. This agricultural protection zone requires that any special exception use comply with certain unique and special requirements which are particularly tailored to protect the R.C.2 zone.

The Baltimore County Zoning Regulations provide for unique determinations for a special exception within the R.C.2 zone. That language specifically provides for the following:

"C. Uses permitted by Special Exception. The following uses, only, may be permitted by special exception in any R.C.2 zone, provided that in each case the hearing authority empowered to hear the petition finds that the use would not be detrimental to the primary agricultural uses in its vicinity; and, in the case of any use permitted under Item 24, further provided that the hearing authority finds that the use would support the primary agricultural use in its vicinity and would not itself be situated on land more appropriately used for primary agricultural uses: (Bill No. 178, 1979.)"

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One of these agricultural-support unique special exception uses is the sales, storage and/or servicing of farm machinery including blacksmithing. This special exception use is specifically provided for in 1A01.2.C.24.a., as follows:

"24. The following "agricultural-support" uses: (Bill No. 178, 1979.)  
a. Farm-machinery sales, storage or service; blacksmithing (Bill No. 178, 1979.)"

These specific unique requirements provide for additional protection for the agricultural protection zone known as the R.C.2 zone. In addition to the normal requirements of a special exception set forth in Section 502.1 of the B.C.Z.R., the Zoning Commissioner must find that the proposed use complies with the unique requirements set forth in Section 1A01.2.C.

During the public hearing on this matter, several Protestants spoke against this particular project and emphasized their belief that a commercial establishment for the sale, service and storage of farm machinery, tractors and ancillary equipment is an inappropriate use within an agricultural zone.

Obviously, the intent of the Baltimore County Council in providing for a special exception use for agricultural support uses such as farm machinery sales, storage or service was envisioned as an appropriate use within the R.C.2 zone.

A special exception use is a use which has been pre-determined by the Baltimore County Council to be conditionally compatible with the uses permitted as of right in a particular zone. The test imposed in determining whether a special exception will be allowed is found within Section 502 of the Baltimore County Zoning Regulations (B.C.Z.R.). Specifically,

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the criteria established in B.C.Z.R. 502.1 provide that the Zoning Commissioner use the measuring stick to decide if the Petition should be granted.

The Petitioner bears the burden of producing evidence that the special exception complies with the standards enunciated within the regulations (see Schultz v. Pritts, 291 Md. 1, 432 A2d 1319 (1981)). The Court in Schultz also mandates that the Zoning Commissioner must inquire if facts and circumstances exist which would show that the particular use, "... proposed at the particular location, would have any adverse effect above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." (emphasis added) Schultz, p. 1327. Further, the standard by which the Zoning Commissioner must consider this petition is not whether the proposed special exception produces any positive benefit to the surrounding locale; but whether any real detriment, as measured by the guidelines of Section 502.1 of the B.C.Z.R. is present. (See Anderson v. Sawyer, 23 Md. App. 612, 329 A2d 716 (1974).)

The term "special exception" refers to a "grant by a zoning administrative body pursuant to existing provisions of zoning law and subject to certain guides and standards of special use permitted under provisions of existing zoning law.". Cadem v. Nanna, 243 Md. 536, 543 (1966). It is in the interest of the general welfare and is, therefore, valid. Rockville Fuel and Feed Co. v. Board of Appeals of the City of Gaithersburg, 257 Md. 183 (1970). It is a use which has been legislatively predetermined to be conditionally compatible with the uses permitted as of right in a particular zone, the condition being that a zoning body must, in each case, decide under specified statutory standards whether

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presumptive compatibility exists. Creswell v. Baltimore Aviation Service, Inc., 257 Md. 712 (1970). In sum, special exception is a "valid zoning mechanism that delegates to an administrative board a limited authority to permit enumerated uses which the legislative body has determined can, prima facie, properly be allowed in a specified use district, absent any fact or circumstance in a particular case which would change this presumptive finding." Rockville Fuel, 257 Md. at 188. (Citing Montgomery County v. Merlands Club, Inc., 202 Md. 279, 287 (1953)).

In an unreported opinion from the Court of Special Appeals of Maryland, Scott Strienbinger, Et. Al. v. Beachmont, Inc., No. 1686, Sept. Term 1986, the power of the Baltimore County Zoning Commissioner to grant special exceptions was reviewed. The Court stated "(T)he power of the Zoning Commissioner and the County Board of Appeals to grant the special exception is statutory and can be exercised only to the extent and in the manner directed by the enabling statute. Harbor Island Marine, Inc. v. Board of County Commissioners of Calvert County, 286 Md. 303, 309-10 (1979); Gordon v. Commissioners of St. Michaels, 270 Md. 128, 136 (1976); Hewitt v. County Commissioners of Baltimore County, 195 Md. 348, 353-54 (1949)."

The Baltimore County Zoning Commissioner possesses the power to grant special exceptions in the R.C.2 zone only for the uses enumerated in the B.C.Z.R. The uses requested by the Petitioner in this matter is enumerated in the B.C.Z.R. in Section 1A01.2.C.24.a.

The Petitioner testified that, based on his professional experience, it was his opinion that the business would not cause any adverse impact and would not create traffic congestion over and above what already ex-

ists. He testified that the conditions delineated in Section 502.1 (B.C.Z.R.) will be satisfied.

George Gavrelis testified that, in his opinion, the proposed use at the subject property would not be detrimental to the health, safety, and general welfare of the community, and that the conditions delineated in Section 502.1 of the B.C.Z.R. will be satisfied.

The Protestants testified with extreme vigor and conviction that they believe the proposed use by the Petitioner would have detrimental effects by the health, safety and general welfare of the community because of potentiality for pollution and inappropriate land use. The Protestants were concerned about additional traffic upon the private lane that services this property and the possibility for pollution from storage of gasoline and oils and associated products with a farm machinery service operation. All of these concerns are valid and warrant appropriate review by appropriate County agencies. It is incumbent upon the regulatory and licensing agencies of Baltimore County to investigate and review the storage of such materials to determine compliance with all appropriate regulatory schemes. The issues raised by the Protestants in opposition to this matter are not unique to this particular property but, on the contrary, are issues associated with such a commercial activity within any R.C.2 zone. Clearly, these concerns are not unique to this location but are similar to concerns about this type of operation on farm land. The Court of Appeals in Schultz v. Pritts, 291 Md. 1 432 A2d 1319, 1327 (1981), determined that any adverse effect of the particular special exception use is the same as it would be within that zone, therefore, not unique, then the special exception use shall be permitted.

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The issue in the Special Exception is whether or not the requirements of Section 502 of the B.C.Z.R. have been successfully met by the Petitioner. The cases clearly establish that "... the appropriate standard to be used in determining whether a requested special exception use would have an adverse affect and, therefore, should be denied is whether there are facts and circumstances that show the particular use, proposed at the particular location, would have any adverse affect above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319 at 1327 (1981).

The Court went on to say in Schultz that,

"... the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material. If the evidence makes the question of harm or disturbance or the question of the disruption of the harmony of the comprehensive plan of zoning fairly debatable, the matter is one for the Board to decide. But, if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious and illegal." (at pg.1325)

The Petitioner must only show to the satisfaction of the Zoning Commissioner that the proposed use would be conducted without real detriment to the community to meet his burden. See, Turner v. Hammond, 270 Md. 41, 310 A.2d 543 (1973). When the Petitioner produces credible and proba-

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tive evidence on all of the specific issues established by Section 502.1, then a special exception should be granted.

In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the community and would not adversely affect the public good.

The Petitioner has also requested the aforementioned variances in reference to existing and proposed structures for the farm machinery, sales, storage and service. These variances were explained in detail during the public hearing.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result

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if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 15<sup>th</sup> day of July, 1991 that, pursuant to a Petition for Special Exception, permission to use the herein described property for farm machinery sales, storage, and service as an agricultural support use as authorized by Section 1A01.2.C.24.a of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit Nos. 1 and 3, subject to the additional relief and conditions set forth below, is hereby GRANTED; and,

IT IS FURTHER ORDERED that, pursuant to a Petition for Zoning Variance, a zoning variance from Section 102.2 and 1A01.3.B.3 to permit distances between existing or proposed principal structures of 10 ft. in lieu of the required 70 ft. is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1A01.3.B.3 to permit setback of existing or proposed principal structures of 0 ft., 24 ft and 25 ft. respectively, from the proposed special exception boundary line in lieu of the required 35 ft. is hereby GRANTED; and

IT IS FURTHER ORDERED that a variance from Section 409.8.A.2 to permit retention of present previous surface under vehicle parking and storage

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age areas in lieu of the required durable and dustless surface is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8.A.6 to eliminate the requirement for permanent striping and to permit parking spaces to be delineated by anchored wheel stops, is hereby GRANTED, in accordance with Petitioner's Exhibit Nos. 1 and 3 subject, however, to the following restrictions which are conditions precedent to the foregoing relief:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

3. Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC), which are adopted in their entirety and made a part of this Order.

4. Pursuant to Section 502.3 of the B.C.Z.R., this Special Exception may be utilized within five (5) years of the date of this final Order.

5. When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

6. Petitioner shall submit to the Zoning Commissioner's office by no later than July 1, 1992 a new site plan prepared by a registered professional engineer and/or land surveyor, showing all information as may be required to be a certified site plan. The Petitioner shall provide on this new plan a detailed description of each and every requested variance and granted variance specifically highlighting and announcing locations of

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all variances and specific locations of all proposed buildings and structures involved in variance request.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner for  
Baltimore County

JRH:mmn  
cc: Peoples Counsel

ORDER RECEIVED FOR FILING  
Date 7/19/91  
By J. H. Haines

-11-

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE  
1/5 Manor Road, 190218 of 1/5 of Manor Rd. and Manor View Road  
4600 Breidenbaugh Lane  
11th Election District  
6th Councilmanic District  
John S. Anderson  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE # 91-381-XA

AMENDED ORDER

WHEREAS, the Petitioner herein requested a Petition for Special Exception for permission to use the herein described property for farm machinery sales, storage, and service as an agricultural support use as authorized by Section 1A01.2.C.24.a of the Baltimore County Zoning Regulations (B.C.Z.R.); and, pursuant to a Petition for Zoning Variance, zoning variances from Sections 102.2 and 1A01.3.B.3 to permit distances between existing or proposed principal structures of 10 ft. in lieu of the required 70 ft.; Section 1A01.3.B.3 to permit setback of existing or proposed principal structures of 0 ft., 24 ft. and 25 ft. respectively, from the proposed special exception boundary line in lieu of the required 35 ft.; Section 409.8.A.2 to permit retention of present previous surface under vehicle parking and storage areas in lieu of the required durable and dustless surface; Section 409.8.A.6 to eliminate the requirement for permanent striping and to permit parking spaces to be delineated by anchored wheel stops; and,

WHEREAS, an Order was issued on July 19, 1991 granting the requested relief; and,

WHEREAS, restriction No. 3 of said Order must be amended to accurately reflect the Commissioner's "Findings of Facts and Conclusions of Law".

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-381-XA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for farm machinery sales, storage, and service as an agricultural support use as authorized by Section 1A01.2.C.24.a.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/We are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	John S. Anderson
Signature	Signature
Address	(Type or Print Name)
City and State	Signature
Attorney for Petitioner:	4600 Breidenbaugh Lane (301) 592-7422
George W. White, Jr.	Address
(Type or Print Name)	Glen Arm, Maryland 21057
Signature	City and State
40 West Chesapeake Avenue, Suite 300	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address	George W. White, Jr.
Towson, Maryland 21204	Name
City and State	40 W. Chesapeake Ave., Suite 300
Attorney's Telephone No.: (301) 825-1050	Address
	Towson, Md. 21204 (301) 825-1050

ORDERED BY The Zoning Commissioner of Baltimore County, this 10<sup>th</sup> day of April, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 29<sup>th</sup> day of May, 1991, at 9:00 o'clock A.M.

*J. Robert Haines*  
Zoning Commissioner of Baltimore County

ECO-No 1 (over)  
Filed 3/27/91 By JPH (SEE NO NOTE)  
Any Time or Day  
1 HR HUNG TIME

NOW, THEREFORE, it is this 15<sup>th</sup> day of August, 1991, by Order of the Zoning Commissioner of Baltimore County, that the relief granted in the Order of July 19 1991, specifically, restriction No. 3, is hereby AMENDED to read as follows:

"3. Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC), with the exception of the second sentence of numbered paragraph 4 of the Fire Department's comment of April 9, 1991, pertaining to the widening of the subject access road. All ZAC comments, except for that portion excluded herein, are adopted in their entirety and made a part of this Order."

IT IS FURTHER ORDERED, that all other terms, conditions and restrictions of the original Order of July 19, 1991 shall remain in full force and effect except as amended herein.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:mmn  
cc: Peoples Counsel

ORDER RECEIVED FOR FILING  
Date 7/19/91  
By J. H. Haines

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Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

July 19, 1991

George W. White, Jr., Esquire  
40 West Chesapeake Avenue, Suite 300  
Towson, Maryland 21204

RE: Petitions for Special Exception and Zoning Variance  
Case No. 91-381-XA  
John S. Anderson  
Petitioner

Dear Mr. White:

Enclosed please find the decision rendered on the above captioned case. The Petitions for Special Hearing and Zoning Variance have been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,  
*J. Robert Haines*  
J. Robert Haines  
Zoning Commissioner

JRH:mmn  
att.  
cc: Peoples Counsel  
Petitioners  
Protestants

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

August 13, 1991

George W. White, Jr., Esquire  
40 West Chesapeake Avenue, Suite 300  
Towson, Maryland 21204

RE: Petitions for Special Exception and Zoning Variance  
Case No. 91-381-XA  
John S. Anderson  
Petitioner

Dear Mr. White:

Enclosed please find the Amended Order regarding the above captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Amended Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,  
*J. Robert Haines*  
J. Robert Haines  
Zoning Commissioner

JRH:mmn  
cc: Peoples Counsel





Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

DATE: 5/13/91

John S. Anderson  
4600 Breidenbaugh Lane  
Glen Arm, Maryland 21057

RE  
Case Number: 91-381-XA  
E/S Manor Road, 1962' E of 1/2 of Manor Road and Manor View Road  
4600 Breidenbaugh Lane  
11th Election District - 6th Councilmanic  
Petitioner(s): John S. Anderson  
HEARING: WEDNESDAY, MAY 29, 1991 at 10:30 a.m.

Dear Petitioner(s):

Please be advised that \$147.29 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines

J. ROBERT HAINES  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

April 11, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-381-XA  
E/S Manor Road, 1962' E of 1/2 of Manor Road and Manor View Road  
4600 Breidenbaugh Lane  
11th Election District - 6th Councilmanic  
Petitioner(s): John S. Anderson  
HEARING: WEDNESDAY, MAY 29, 1991 at 10:30 a.m.

Special Exception: To permit farm machinery sales, storage, and service as an agricultural support use.  
Variances: To permit distances between existing or proposed principal structures of 10 ft. in lieu of the required 70 ft.; to permit setback of existing or proposed principal structures of 0 ft., 15 ft., 24 ft., and 25 ft., respectively from the proposed special exception boundary line in lieu of the required 35 ft.; to permit retention of present previous surface under vehicle parking and storage areas in lieu of the required durable and dustless surface; to eliminate the requirement for permanent striping and to permit parking spaces to be delineated by anchored wheel stops.

J. Robert Haines

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: George W. White, Jr., Esq.

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

May 8, 1991

George W. White, Esquire  
40 W. Chesapeake Ave, Suite 300  
Towson, MD 21204

RE: Item No. 370, Case No. 91-381-XA  
Petitioner: John S. Anderson  
Petition for Special Exception and  
Zoning Variance

Dear Mr. White:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,  
James E. Dyer

JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. John S. Anderson  
4600 Breidenbaugh Lane  
Glen Arm, MD 21057

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 10th day of April, 1991.

J. Robert Haines

J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:

James E. Dyer

Chairman,  
Zoning Plans Advisory Committee

Petitioner: John S. Anderson

Petitioner's Attorney: George W. White

Baltimore County Government  
Department of Public Works  
Bureau of Traffic Engineering



401 Bosley Avenue Suite 405  
Towson, MD 21204

887-3554  
Fax 887-5784

April 26, 1991

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Z.A.C. Meeting Date: April 9, 1991

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 359, 360, 368, 369, 370.

Very truly yours,

Raha J. Famill

Raha J. Famill  
Traffic Engineer II

RJF/lab

BALTIMORE COUNTY, MARYLAND  
Inter-office Correspondence

TO: J. Robert Haines

FROM: Robert C. Merrey, Jr.

DATE: April 17, 1991

SUBJECT: Zoning Variance Request, ZAC #370

Property Owner: John S. Anderson

Location: 4600 Breidenbaugh Lane  
E/S Manor Road N of Stockbridge Road  
# 4,000' East

Existing Zoning: R.C.-2

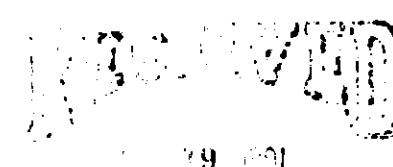
Area: 3,655 S.F. not including immediate and adjacent owner property.

District: Eleventh Election District, Sixth Councilmanic District

This office recommends approval of crusher-run "crushed stone" in lieu of the required durable and dustless surface for the parking area. All crusher-run surfaces are to be treated in accordance with Environment Article 26.11.06.03 D (2) in order to prevent particulate matter from becoming airborne. Treatment and maintenance of this surface is an owner responsibility and will be on a continuing basis as necessary to control airborne particulate.

tk

cc: Zoning Variance File  
North Point Government Center



ZONING OFFICE

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21204-5500

(301) 887-1500

APRIL 9, 1991

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: JOHN S. ANDERSON

Location: #4600 BREIDEN BAUGH LANE -  
PRIVATE ROAD

Item No.: 370 Zoning Agenda: APRIL 9, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. ACCESS ROAD SHALL HAVE A MINIMUM WIDTH OF 16 FEET AND HARD SURFACE SHALL SUPPORT 50,000 LB FIRE APPARATUS.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: [Signature] 4-4-91 Noted and Approved [Signature]  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JK/KEK

received  
4/16/91

BALTIMORE COUNTY, MARYLAND  
INTER OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 4, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for April 9, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 360, 368 and 369.

For Items 215 (91-180-A) and 373, the previous County Review Group Comments still apply.

For Items 359 and 370, a County Review Group Meeting may be required for each site.

ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s



Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

May 16, 1991

George W. White, Jr., Esq.  
40 W. Chesapeake Avenue, Suite 300  
Towson, Maryland 21204

Re Case Number(s): 91-381-XA  
Petitioner(s): John S. Anderson  
Location: 4600 Breidenbaugh Lane

Dear Mr. White:

Please be advised that due to scheduling conflicts beyond our control, the above matters, previously set to be heard on May 29, 1991 cannot go forward on that date.

This case has been rescheduled for JULY 2, 1991 at 1:00 p.m.

This office regrets any inconvenience caused by this change and thanks you for your cooperation and understanding.

Very truly yours,

C. U. Stephens  
(301) 887-3391

cc: John S. Anderson

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: June 25, 1991  
Zoning Commissioner

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: John S. Anderson, Item No. 370

On June 19, 1991, staff met with George Gavrelis and John Anderson to discuss the applicant's intended use of the property. Based upon that meeting and the information provided, staff offers the following comments regarding the petitioner's request.

The proposed use is an agricultural related activity that provides a means of support for the farm industry in Baltimore County and the region. The request - at this particular location - is compatible with the agricultural preservation designation in the 1989-2000 Baltimore County Master Plan for this area in which Mr. Anderson's property is located.

The Office of Planning and Zoning recommends that the applicant's request be granted conditioned upon the following:

- All deliveries shall be restricted to between 6 A.M. and 9 P.M. daily.
- Incoming deliveries made by tractor-trailers shall be limited to no more than 10 in any one month.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM370/ZAC1

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: July 1, 1991  
Zoning Commissioner

FROM: Paul J. Solomon  
Agricultural Program Coordinator

SUBJECT: Zoning Case #91-381XA  
John S. Anderson

I have reviewed this petition and have determined that the proposed use is consistent with County Council Bill # 134-89, which protects the prime and productive agricultural soils in Baltimore County and the overall agricultural preservation efforts of Baltimore County.

PJS:krp

BALTIMORE COUNTY, MARYLAND  
Inter-office Correspondence

TO: J. Robert Haines  
FROM: Robert C. Merrey, Jr.  
DATE: April 17, 1991  
SUBJECT: Zoning Variance Request, ZAC #370

Property Owner: John S. Anderson  
Location: 4600 Breidenbaugh Lane  
E/S Manor Road N of Stockbridge Road  
@ 4,000' East  
Existing Zoning: R.C.-2  
Area: 3,655 S.F. not including immediate and adjacent owner property.  
District: Eleventh Election District, Sixth Councilmanic District

This office recommends approval of crusher-run "crushed stone" in lieu of the required durable and dustless surface for the parking area. All crusher-run surfaces are to be treated in accordance with Environment Article 26.11.06.03 D (2) in order to prevent particulate matter from becoming airborne. Treatment and maintenance of this surface is an owner responsibility and will be on a continuing basis as necessary to control airborne particulate.

tk

cc: Zoning Variance File  
North Point Government Center

RECEIVED  
JUL 19 1991  
ZONING OFFICE

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21204-5500

(301) 887-4500

APRIL 9, 1991

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: JOHN S. ANDERSON  
Location: #4600 BREIDEN BAUGH LANE - PRIVATE ROAD  
Item No.: 370 Zoning Agenda: APRIL 9, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. ACCESS ROAD SHALL HAVE A MINIMUM WIDTH OF 16 FEET AND HARD SURFACE SHALL SUPPORT 50,000 LB FIRE APPARATUS.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *[Signature]* Noted and Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JK/KEK

LONG GREEN VOLUNTEER FIRE COMPANY  
Long Green Road  
Long Green, MD 21092

June 24, 1991

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Item No. 370, Case No. 91-381-XA  
Petitioner: John S. Anderson  
Petition for Special Exception and Zoning Variance

Dear Commissioner Haines:

The Long Green Volunteer Fire Company has used Breidenbaugh Lane and the pond located on Mr. Anderson's property in The Long Green Valley for many years as a source of water to fill fire department apparatus. The road has handled the fire department trucks without any problem. The fact that there is a loop connection to Meadow-cliff Road makes for an easy traffic flow for department vehicles.

In the past we have also used the road and pond for testing and training purposes.

Breidenbaugh Lane and its pond are a community asset serving as a useful emergency source of water for fire fighting needs.

Respectfully,

*[Signature]*  
Ron Harrison  
Captain Long Green Volunteer Fire Co. Inc.

JOHN S. ANDERSON  
4600 Breidenbaugh Lane  
Glenarm, MD 21057  
301 592-7422

James E. Dyer  
Chairman  
Zoning Plans Advisory Committee  
Baltimore County  
RE: Item #370  
CASE NO: 91-381-XA  
June 24, 1991

Attention: Julie Winiarski

Dear Mr. Dyer:

Please accept this letter as an answer to your remarks concerning the letter to you from Captain Joseph Kelly and Captain William F. Brady, of the Baltimore County Fire Department, dated April 9, 1991.

SUBJECT: Breidenbaugh Lane and Firefighting equipment.

FIRE DEPARTMENT COMPLIANCE

We appreciate the advice of the Baltimore County Fire Department as regards the petition for our Agricultural Zoning Exception which will use Breidenbaugh Lane as the access road. The following notation should be of interest in this regard.

The Pond on Breidenbaugh Lane has been available for many years as a Fire Department Pumper Filling Location. An area is available where one or more Pumps can park while they pump water from our pond into other Pumps or other Fire Department vehicles while they park on the adjacent road. This arrangement works especially well now because since Breidenbaugh Lane has been linked to Meadowcliff Road there is a connection that enables the equipment to reach Manor Road without backtracking on Breidenbaugh Lane. This loop has worked well when firefighting and has had many hours of continual unimpeded fire engine traffic from different Fire Companies.

Breidenbaugh Lane has been in continuous use for over 200 years. It has a durable surface and has a very substantial rock sub-base which has and will support very heavy loads in excess of the 50,000 lb heavy equipment requirement. The right of way is 16' as suggested.

Sincerely yours,

*[Signature]*  
John S. Anderson

LAW OFFICES

WHITE, MINDEL, CLARKE & FOARD

3RD FLOOR, 40 W. CHESAPEAKE AVENUE

TOWSON, MARYLAND 21204

(301) 825-1050

FAX (301) 583-4660

March 25, 1991

Baltimore County Office  
of Planning & Zoning  
Towson, Maryland 21204

RE: Our Client: John S. Anderson  
Project: Manor Hill Farm

Dear Sir/Madam:

Enclosed for filing please find three copies of a Petition for Special Exception and Variances with attachments for the above referenced property, as well as our client's check in the amount of \$350.00.

As these requests relate to changes relative to agricultural use and as the spring season is fast approaching, kindly set this in for a hearing at your earliest convenience.

Sincerely,

*[Signature]*  
George W. White, Jr.

GWJr./stk  
Enclosures

LAW OFFICES  
WHITE, MINDEL, CLARKE & FOARD  
3RD FLOOR 40 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 825-1050  
FAX (301) 583-4660

GEORGE L. CLARKE  
(1908-1975)

August 9, 1991

**HAND-DELIVERED**

J. Robert Haines, Zoning Commissioner  
of Baltimore County  
111 West Chesapeake Avenue  
Towson, Maryland 21204

RE: Case No. - 91-381-XA  
Petitioner: John S. Anderson

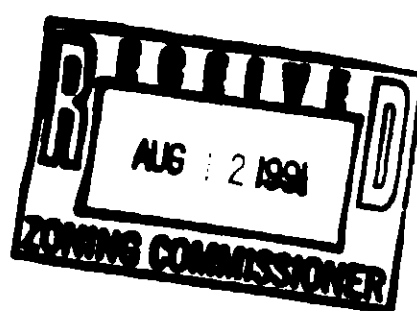
Dear Commissioner Haines:

We have received your decision regarding Mr. Anderson's Petitions for Special Exception and Zoning Variances and, although we are pleased to find that the Special Exception and the Variances were granted as requested, we are somewhat confused with that part of your Order which requires Mr. Anderson to comply with all of the comments submitted by the Baltimore County Zoning Plans Advisory Committee as a condition precedent to the relief requested.

What we find most troublesome and the most confusing is the requirement which states that Mr. Anderson must comply with Item 4 of the April 9, 1991 Comment from the Baltimore County Fire Department. (A copy of which is attached hereto.) This item effectively blocks Mr. Anderson from pursuing the use requested in his Petition for Special Exception. Based upon the evidence and his testimony submitted at the hearing, we believe that there must have been some error in your Order.

As you may recall, during the hearing competent and unrefuted testimony was presented that:

1. Breidenbaugh Lane has handled fire department trucks from the Long Green Volunteer Fire Company for years without any problem and the loop connection from Breidenbaugh Lane makes for an easy traffic flow for fire department vehicles. (A copy of the letter from the Long Green Volunteer Fire Company is attached hereto.)
2. Mr. Anderson would not be able to utilize the special exception use if he had to go to the great expense of paving Breidenbaugh Lane as recommended by the Baltimore County Fire Department.



August 9, 1991  
Commissioner Haines  
Page 2

3. Breidenbaugh Lane has, for years, been adequately handling the traffic flow generated by Mr. Anderson's farm and Christmas Tree operation; far more traffic is generated by these activities than is anticipated from the proposed use of a very small part of the Anderson's farm for farm machinery sales.

4. The proposed use will not create a potential hazard from fire panic or other dangers.

Given the above, and the other testimony and evidence of record in this matter, we believe there must have been an error in incorporating Item 4 of the April 9, 1991 Comment from the Baltimore County Fire Department as part of your Order.

Respectfully submitted,

William D. Berwick

WDB/kcr  
enclosures

cc: George Gavrelis  
Daft, McCune, Walker, Inc.



Mr. J. Robert Haines, Zoning Commissioner  
Office of Zoning  
County Office Building Room 113  
Towson, MD 21204

May 29, 1991

Dear Mr. Haines:

I am writing to inform you that on May 23rd, the Board of Directors of the Long Green Valley Association voted to support the petition of Mr. John Anderson to allow a farm machinery sales and service operation on his farm as an agricultural support use (Case # 93-381-XA).

Our vote in favor of the petition stipulates the following restrictions, which we urge you to include in the special exception:

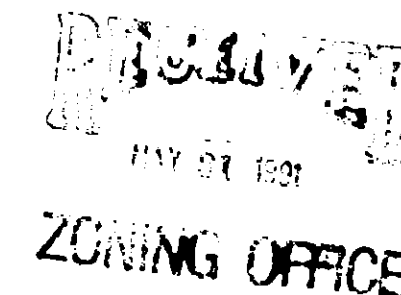
- 1) The storage of farm equipment be restricted to the area designated in the petition for special exception.
- 2) No underground storage tanks for petroleum products be permitted.

Since our inception in 1972, our Association has been concerned with the preservation of agriculture as a viable industry in our community and in Baltimore County. The disappearance of support services poses a serious threat to the remaining farms in our area, causing even minor repairs to result in costly delays. We endorse Mr. Anderson's proposal because it will provide a much-needed source of farm equipment and service for our farmers, and, we hope, additional revenue to Mr. Anderson and his family.

We encourage you to rule in favor of Mr. Anderson's petition.

Sincerely,

Robert Deford, president  
Long Green Valley Association



Northeastern  
Baltimore County Business  
Association  
Box 32  
Fork, Maryland 21051

RECEIVED JUL 10 1991

June 24, 1991

Mr. J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

RE: Item No. 370, Case No. 91-381-XA  
Petitioner: John S. Anderson  
Petition for Special Exception and Zoning Variance

Dear Commissioner Haines:

Recognizing the importance of agriculture to the economy of our state in general and to Baltimore County in particular, the Northeastern Baltimore County Business Association endorses the granting of a special exception to John S. Anderson of Breidenbaugh Lane, which would allow the sales, storage and service of agricultural machinery.

This use will directly support the farming segment of Baltimore County. We feel that such support is necessary for the successful continuation of this vital economic activity. The production of foodstuff and other agricultural products is not only of importance locally but also adds to Maryland's export volume. We are especially concerned that there is no such support anywhere in northern or eastern Baltimore County.

This special exception will be an asset to our county overall and to farmers in particular. It will be an asset in an unobtrusive, and non-polluting manner.

Yours truly,

Maribeth Meyers  
Maribeth Meyers  
President

MM/clf

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

John Rehrer 12953 Manor Rd. Glen Arm 21057  
DAVID OLSON 3 GREENLAND EARTH, PLECKIN 21131  
Samuel Houston 4403 BREIDENBAUGH LANE 21057

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

George E. Gavrelis DMW: 280 E. Penn Ave. 21204  
George W. WHITE, JR., ESQ. WHITE, MINDEL - 40 W. CHESAPEAKE  
WILLIAM D. BERWICK, ESQ.  
John Rehrer 4600 Breidenbaugh Lane, Glen Arm  
Douglas Anderson 4600 Breidenbaugh Lane, Glen Arm  
John S. Anderson 4600 Breidenbaugh Lane, Glen Arm  
Joseph A. Esposto II 4700 Breidenbaugh Lane, Glen Arm

**MANOR HILL FARM**

It is my desire to keep Manor Hill Farm the same way that it has been for these many years. I like the undeveloped valley that means so much to all of us.

Over the years I have been approached at times by those who might like to invest in the area and see it developed. This may be inevitable, but I would like to forestall this from happening.

Doug has a desire to see the valley remain as an agricultural entity also.

We have tried to keep the farm operation as low key as possible, boarding horses and selling trees during the Xmas season.

Recognizing that the county is desirous of keeping the area agricultural and noting that there is no farm equipment supply operation in our area we have decided to offer this service from our farm.

It is unlikely that such an operation could become very large. If it did it would probably have to move to a more accessible location. However, we would like to give it a whirl here at Manor Hill Farm.

We plan to continue the horse operation and the tree operation because the financial picture requires this, and we enjoy doing so.

Recognizing that there are some who would oppose any changes in the valley, we would like to enlist your support for our venture.

This type of operation is permissible in this area. We do have to apply for a license however, after which a hearing may be held, at which time support and objections may be heard.

We don't anticipate any great influx of activity because of the operation, because the sale and servicing of agricultural equipment is not a very lively endeavor. It is, however, an operation that I believe that Doug and I are well equipped to pursue.

Many thanks for your kind attention and for your continued support for our endeavors.

Sincerely,

John Anderson  
10-12-90

We neighbors of John Anderson have no objection to his operating a farm machinery sales, storage and servicing operation at Manor Hill Farm on Breidenbaugh Lane in Baltimore County.

Joseph A. Esposto II 4700 Breidenbaugh Lane, Glen Arm, MD 21057  
Douglas Anderson 4707 Breidenbaugh Lane, Glen Arm, MD 21057  
Douglas Anderson 4709 Breidenbaugh Lane, Glen Arm, MD 21057  
Samuel Houston 4503 Breidenbaugh Lane, Glen Arm, MD 21057  
Chris Anderson 4600 Breidenbaugh Lane, Glen Arm, MD 21057  
John S. Anderson 4600 Breidenbaugh Lane, Glen Arm, MD 21057  
John S. Anderson 4400 Breidenbaugh Lane, Glen Arm, MD 21057  
Geffrey Smith 4401 Breidenbaugh Lane, Glen Arm, MD 21057  
Robert E. Smith 4306 Breidenbaugh Lane, Glen Arm, MD 21057  
M. Radikhalise 4600 Breidenbaugh Lane, Glen Arm, MD 21057

**PETITIONER'S  
EXHIBIT 2**

91-381XA

June 24, 1991

J. Robert Haines, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, MD 21204

RE: Item No. 370, Case No. 91-381-XA  
Petitioner: John S. Anderson  
Petition for Special Exception and Zoning  
Variance

Dear Commissioner Haines:

The Yoder family has been farming in the Long Green Valley since the time of the Civil War. Our farm and Mr. Anderson's farm have a long common boundary.

I have seen the continuing decline of farms in this area for many years, especially in the last 10 or 15 years.

Many times agriculture takes the back seat compared to what other people seem to want. People who are not really interested in farming move into the area and often are only interested in what suits them.

More consideration for the needs of farmers is in the best interests of everyone in the area.

I support Mr. John Anderson's petition. In this day and age the Valley farmers face a hard time and need all the help possible in the supply and service of farm machinery.

Yours truly,

*Lewis E. Yoder*

Lewis E. Yoder  
4603 Long Green Road  
Long Green, MD 21092

**PETITIONER'S  
EXHIBIT 4**  
**91-381XA**

**Northeastern  
Baltimore County Business  
Association**

Box 32  
Folk, Maryland 21051

June 24, 1991

Mr. J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

RE: Item No. 370, Case No. 91-381-XA  
Petitioner: John S. Anderson  
Petition for Special Exception and Zoning Variance

Dear Commissioner Haines:

Recognizing the importance of agriculture to the economy of our state in general and to Baltimore County in particular, the Northeastern Baltimore County Business Association endorses the granting of a special exception to John S. Anderson of Breidenbaugh Lane, which would allow the sales, storage and service of agricultural machinery.

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This special exception will be an asset to our county overall and to farmers in particular. It will be an asset in an unobtrusive, and non-polluting manner.

Yours truly,

*Maribeth Meyers*  
Maribeth Meyers  
President

MM/cif

**PETITIONER'S  
EXHIBIT 6**  
**91-381XA**

LONG GREEN VOLUNTEER FIRE COMPANY  
Long Green Road  
Long Green, MD 21092

June 24, 1991

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Item No. 370, Case No. 91-381-XA  
Petitioner: John S. Anderson  
Petition for Special Exception and  
Zoning Variance

Dear Commissioner Haines:

The Long Green Volunteer Fire Company has used Breidenbaugh Lane and the pond located on Mr. Anderson's property in The Long Green Valley for many years as a source of water to fill fire department apparatus. The road has handled the fire department trucks without any problem. The fact that there is a loop connection to Meadow-cliff Road makes for an easy traffic flow for department vehicles.

In the past we have also used the road and pond for testing and training purposes.

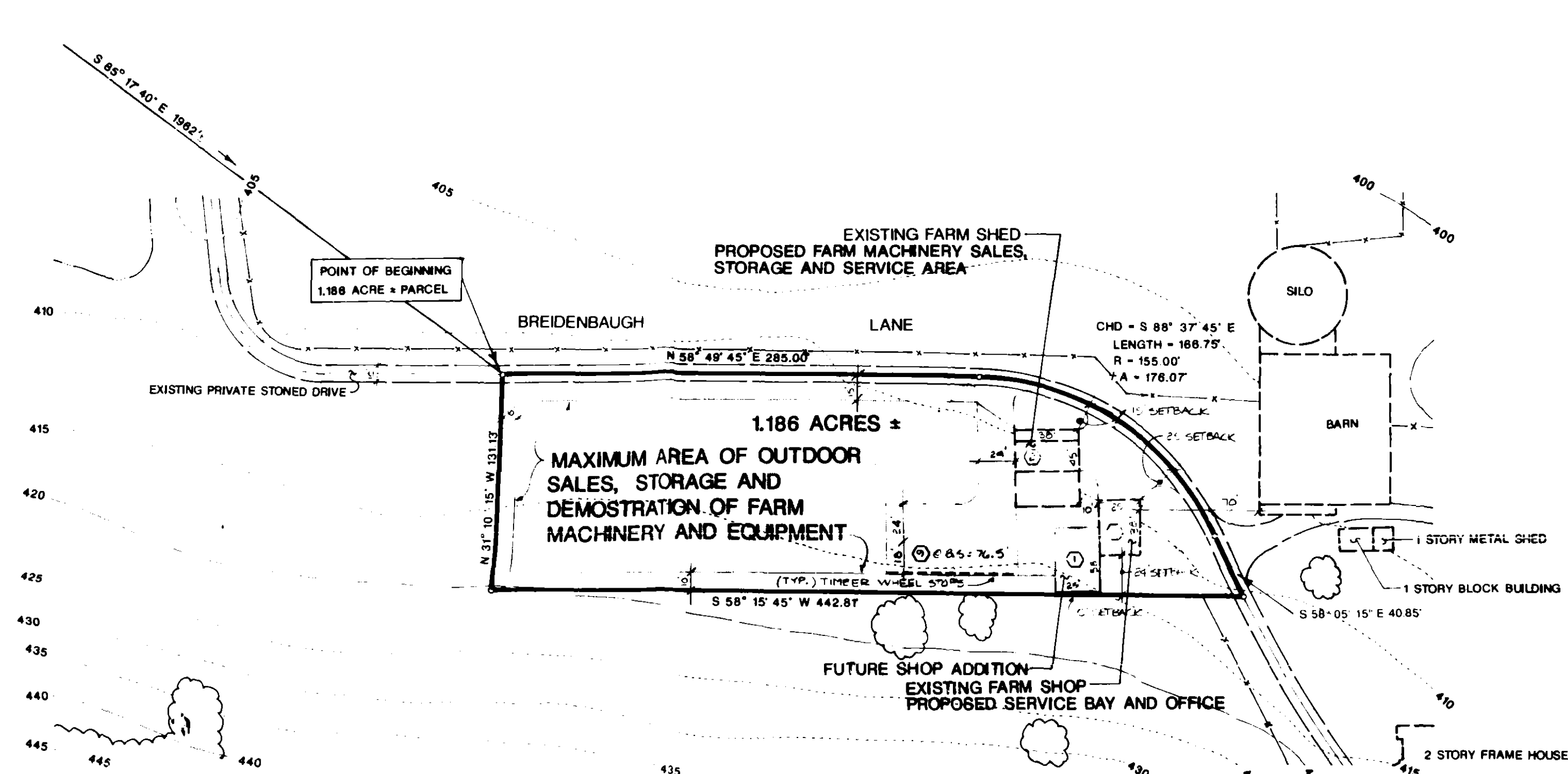
Breidenbaugh Lane and its pond are a community asset serving as a useful emergency source of water for fire fighting needs.

Respectfully,

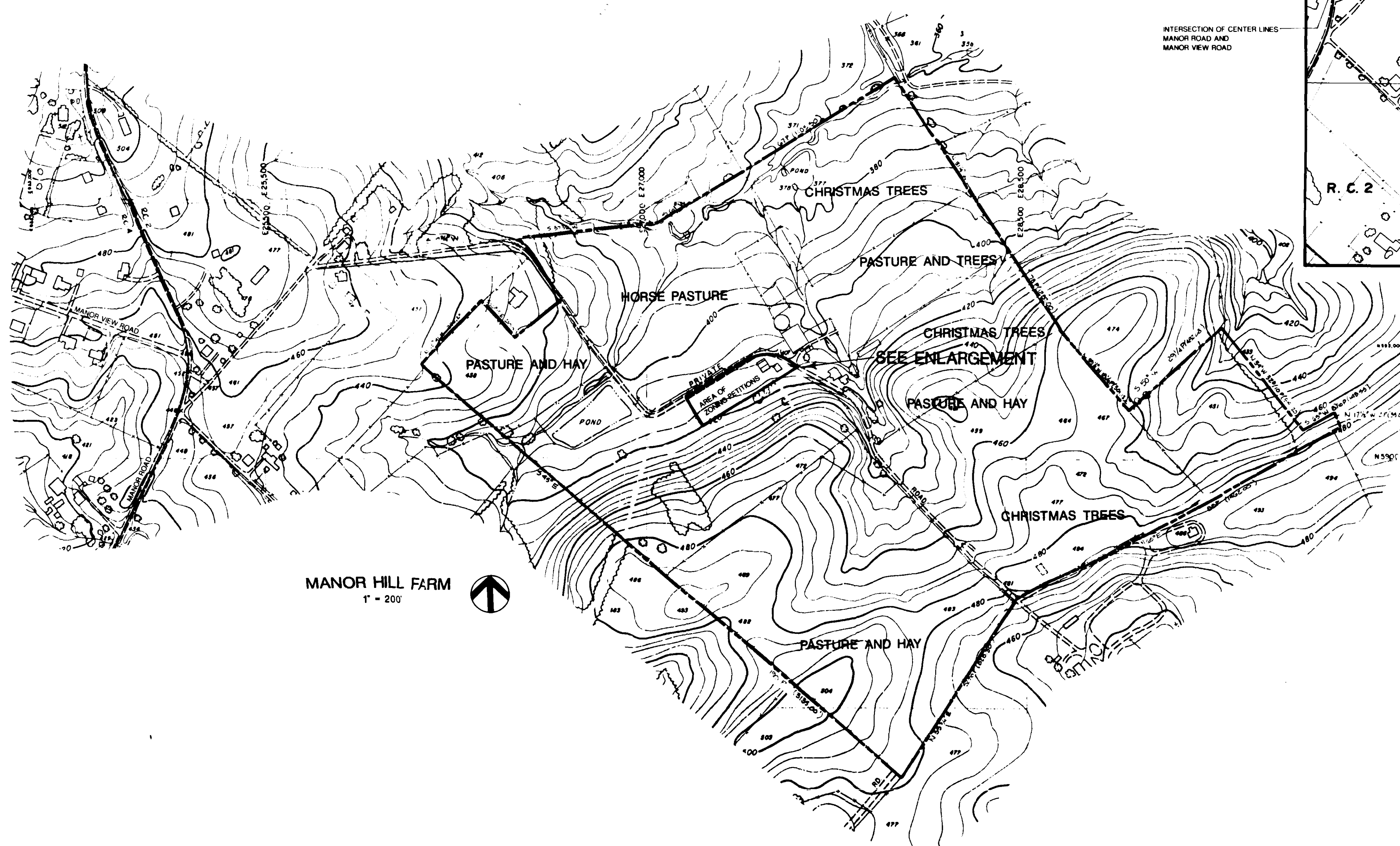
*Ron Harrison*  
Captain Long Green Volunteer Fire Co. Inc.  
Ron Harrison

**PETITIONER'S  
EXHIBIT 5**  
**91-381XA**





AREA OF ZONING PETITIONS  
1" = 50'  
○ - PARKING SPACES



MANOR HILL FARM  
1" = 200'

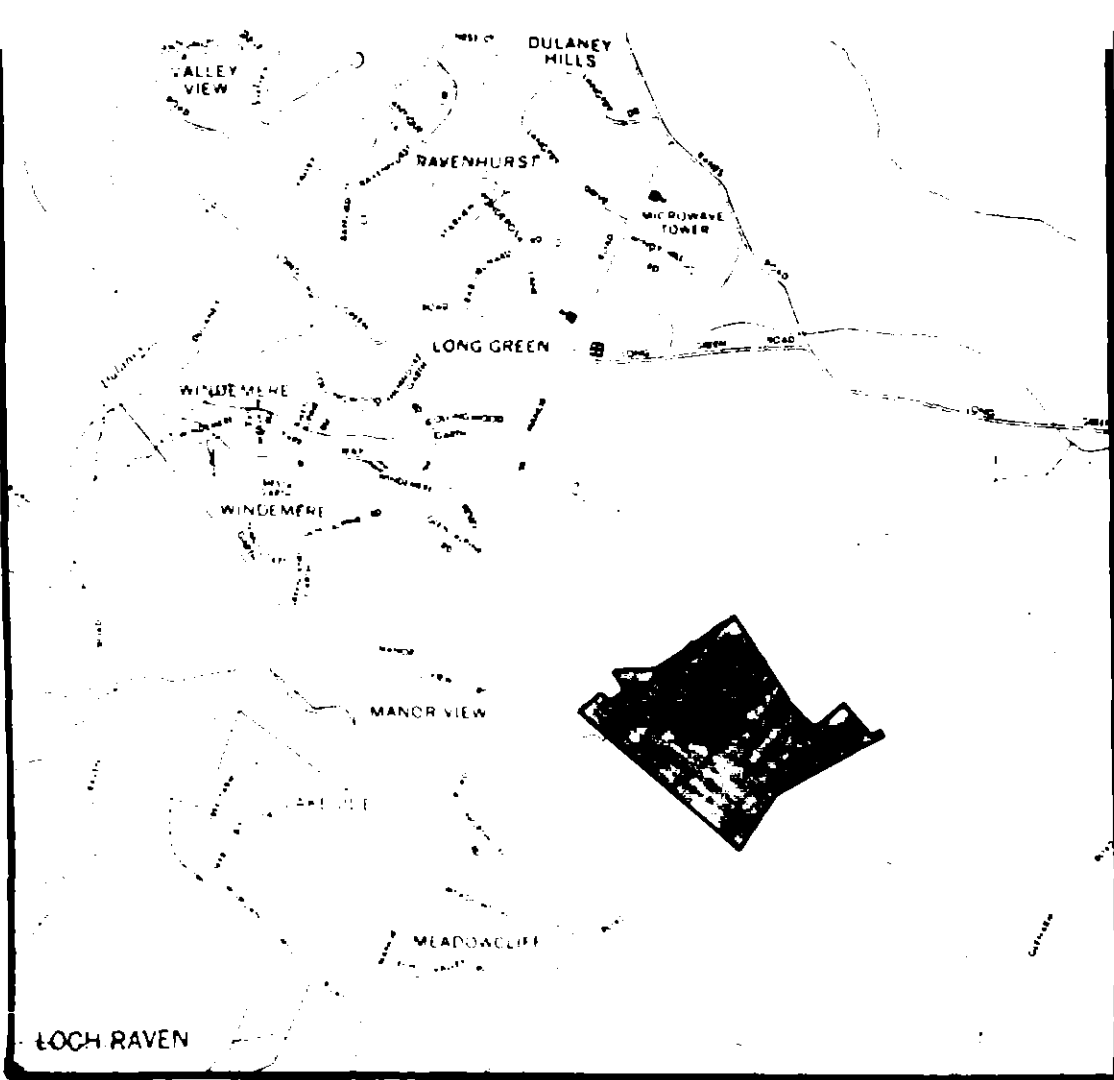
- General Notes**
- Owner/Applicant/Property Address: John S. Anderson  
4600 Breidenbaugh Lane  
Glen Arm, MD 21057  
(301) 992-6913
  - Tax Map 53-16, Parcel 99  
Tax Account No.: 11-1101054820  
Deed: 5046/382
  - Election District 11, Councilmanic District 6
  - All adjacent property is under same ownership
  - Signs will comply with the provisions of Section 411.1a, c, e(2), and e(3) BCZR. A sign plan has not been determined.
  - The site is not served by any public water, sewer, or storm drain systems. Meeting with J.R. Powell of DEPRM revealed that proposed use could be served by existing farm facilities.
  - No structure does or will exceed the permitted RC-2 maximum height of 35 feet.
  - Absent public water supply, there are no fire hydrants. The existing pond on Manor Hill Farm is used as a source of water for fire suppression activities.
  - All site lighting shall be arranged to not shine or reflect on adjoining premises.
  - Parking computations:  
Existing Farm Shop 950 S.F.  
Storage Shed 1,750 S.F.  
Future Shop Addition 950 S.F.  
Total 3,650 S.F.  
Required parking @ 3.3/1,000 S.F. 13 spaces  
Parking to be provided: 13 spaces  
Parking in bays 4 spaces  
Exterior spaces 9 spaces  
See requested variances to Section 409.8A requirements for paving and striping.
  - This zoning petition seeks authority for farm machinery sales, storage and service, together with stipulated variances. Internal details relating to parking circulation, building footprint, etc., may be modified if in accordance with the terms of the special exception and variances as granted and if in compliance with all other applicable zoning requirements.

**Manor Hill Farm  
Project No. 91011**

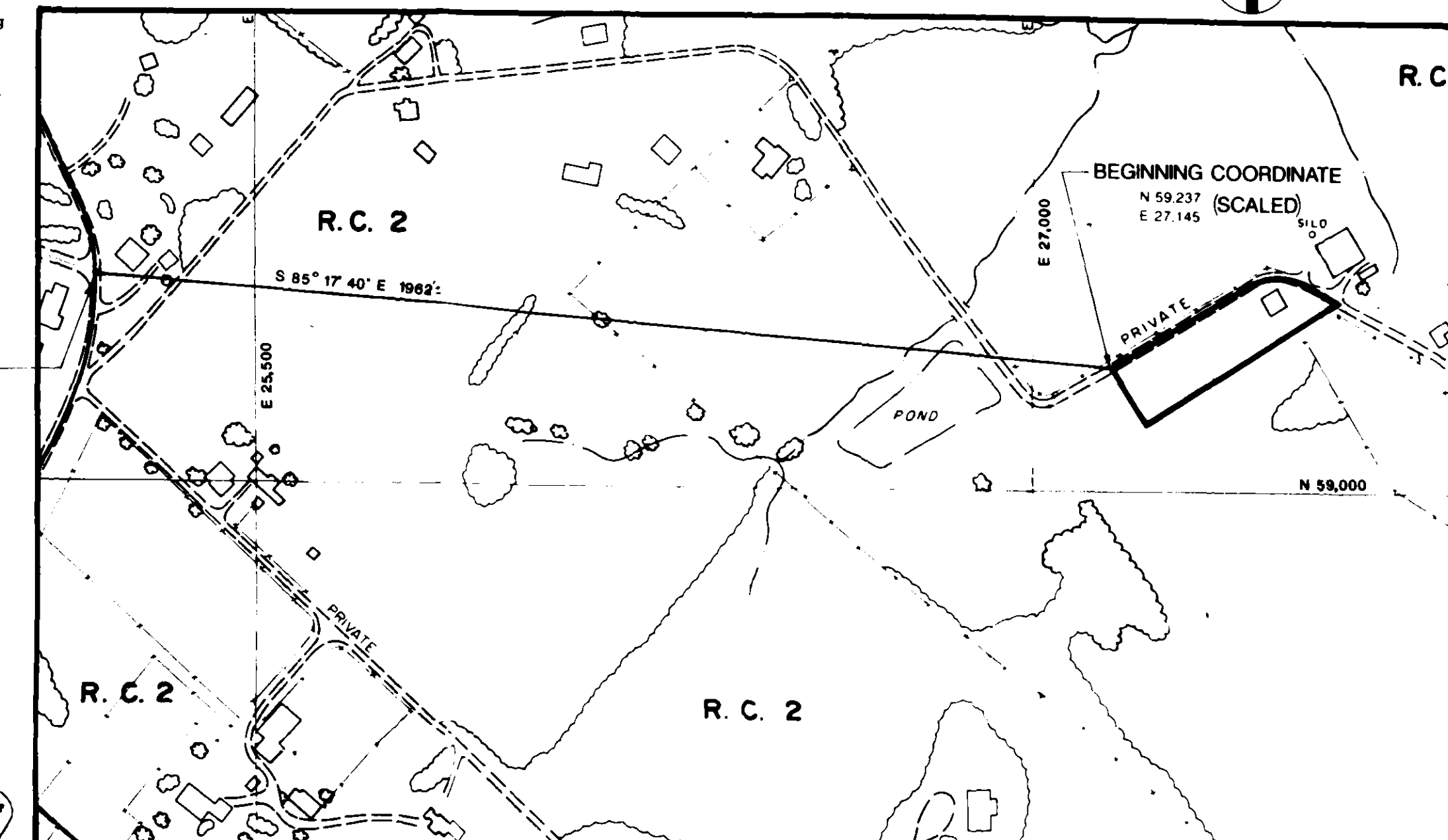
**Special Zoning Note**

Manor Hill Farm is a working farm within an area zoned RC-2 and designated for agricultural protection. The proposed farm equipment sales, storage, and service use has been reviewed by DEPRM staff members who advised that it was not in conflict with agricultural preservation objectives and that the proposed use would require no separate, on-site water supply or sanitary facilities. In order to maximize retention of present previous surfaces and to minimize creation of new impervious surfaces, rel of is requested from zoning requirements to pave access to be used for parking or storage and display of farm machinery.

- Summary of Zoning Petition Requests**
- A. Special Exception**
- A special exception to permit farm machinery sales, storage, and service as an agricultural support use as authorized by Section 1A01.2C.24.a.
- B. Variances**
- Section 102.2 and 1A01.1B.3 to permit distances between existing or proposed principal structures of 10 feet in lieu of the required 70 feet.
  - Section 1A01.1B.3 to permit setback of existing or proposed principal structures of 0 feet, 15 feet, 24 feet, and 25 feet, respectively from the proposed special exception boundary line in lieu of the required 15 feet.
  - Section 409.8A.2 to permit retention of present previous surface under vehicle parking and storage areas in lieu of the required durable and impervious surface.
  - Section 409.8A.6 to eliminate the requirement for permanent striping and to permit parking spaces to be delineated by anchored wheel stops.



VICINITY MAP  
1" = 2000'



ZONING MAP  
1" = 200'

91-381-XA

		<b>DAFT McCune Walker Inc.</b> LAND PLANNING CONSULTANTS LANDSCAPE ARCHITECTS ENGINEERS & SURVEYORS 300 E. PENNSYLVANIA AVE TOWSON, MD 21204 TELEPHONE (301) 294-3333 / FAX (301) 294-3333	
		<b>MANOR HILL FARM PLAN AND PLAT TO ACCOMPANY ZONING PETITIONS</b>	
SCALE: AS NOTED	JOB ORDER NO. 91011	ISSUE DATE 3-12-91	
		SHEET 1 OF 1	
DATE	REVISIONS	370	

PETITIONER'S  
EXHIBIT 1